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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,262	09/22/2005	Jobst Horentrup	PD030034	1365
24498 7590 08/23/2007 JOSEPH J. LAKS, VICE PRESIDENT THOMSON LICENSING LLC PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			EXAMINER BELOUSOV, ANDREY	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/550,262

Applicant(s)

HORENTRUP ET AL.

Examiner

Andrew Belousov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/22/2007.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is in response to the original filing of September 22, 2005. Claims 1-10 are pending and have been considered below.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 4 recites the limitation "the video frame rate" in line 2 of claim 4.

There is insufficient antecedent basis for this limitation in the claim.

- b. Claim 4 recites the limitation "said rate" in line 3 of claim 4. It is indefinite whether this rate is referring to "the rate at which a sequence of pictures is displayed" or to "the video frame rate."

- c. Claim 8 recites the limitation "the data structure" in line 2 of claim 8. There is insufficient antecedent basis for this limitation in the claim.

- d. Claim 8 recites the limitation "the page composition" in line 3 of claim 8. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 7, 8, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Raiz et al., (2001/0048448.)

**Claim 1, 10:** Raiz discloses a method for representing menu buttons in a menu (par. 0027) for controlling the presentation of video data stored on a removable storage medium (Hard Drive; Fig. 4: 141), the menu buttons having one out of three states, the states being normal, selected or activated (Fig. 7: 70, 76, 74), wherein

- a. data describing the menu buttons are also stored on said removable storage medium, the data comprising for each button image data (par. 0054); and
- b. a menu button is represented by different images corresponding to different image data, depending on its state being normal, selected or activated (Fig. 9.)

**Claim 5:** Raiz discloses method according to claim 1, wherein a sound or sound sequence may be associated to a state of a menu button, the sound or sound sequence being played back upon entry of the button into the associated state. Though Raiz does not explicitly disclose a sound associated with an entry of a button into a state, it is implied in the reference by the use of a Microsoft Windows OS (par. 003) which by

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default produces an audible “click” sound upon selection of GUI elements, such as when a button is selected (“Menu command”, Windows XP OS: Fig. 2.)

**Claim 7:** Raiz discloses method according to claim 1, wherein a region identifier, the region identifier being stored on said storage medium, determines the display position of a menu button (par. 37-38.)

**Claim 8:** Raiz discloses method according to claim 1, wherein the data structure on said storage medium contains a segment defining the page composition, the data segment containing said data representing the menu buttons (par. 37-38.)

**Claim 9:** Raiz discloses a removable storage medium (Hard Drive; Fig. 4: 141) containing video data and a data segment representing menu data for a menu (par. 0027) for controlling the presentation of said video data, wherein the menu comprises menu buttons, the menu buttons having one out of three states, the states being normal, selected or activated (Fig. 7: 70, 76, 74), wherein

- a. the data describing the menu buttons comprise image data (par. 0054) and neighbour information (par. 37-38.); and
- b. a menu button is represented by different images corresponding to different image data, depending on its state being normal, selected or activated (Fig. 9.)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raiz in view of Baker et al., (5,428,730.)

**Claim 2:** Raiz discloses the method according to claim 1. Raiz does not explicitly disclose wherein the image data representing a particular menu button state on the display contain a sequence of pictures. However, Baker discloses a method for controlling the operation of multimedia devices wherein the image data (fast-forward arrows) representing a particular menu button state on the display contain a sequence of pictures (i.e. animated: 4:57-65.) The claim would have been obvious because this particular known technique (animation of buttons, icons, menus, and other GUI elements (e.g. via JavaScript)) was recognized as part of the ordinary capabilities of one skilled in the art. Furthermore, such an addition would be motivated by the suggestion in Baker to "simulate the direction of movement" of media (4:57-65.)

**Claim 3:** Raiz and Baker disclose the method according to claim 2, Baker further discloses wherein displaying said sequence of pictures representing a button is repeated as long as the button remains in its state (9:59-61; 4:57-65.)

**Claim 4:** Raiz and Baker disclose the method according to claim 2, Baker further discloses wherein the rate at which a sequence of pictures is displayed is relative (e.g. cannot exceed) to the video frame rate (monitor display refresh rate), and a value defining said rate (monitor display refresh rate) is stored on said storage medium (3-25:28.)

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raiz in view of Hata et al., (2002/0109719.)

**Claim 6:** Raiz discloses method according to claim 5. Raiz does not explicitly disclose wherein the sound associated with a state of a menu button is a speech sequence.

However, Raiz implies through the use of Microsoft Windows OS, associated sounds with entry into a state by a button, and furthermore, these sounds could be customized to produce any sound, including speech ("Sounds", "Browse", Fig. 2.) Hata discloses a method for representing menu buttons (Fig. 9: 63) with associated states, wherein the sound associated with a state of a menu button is a speech sequence (par. 0083.)

Therefore, it would have been obvious to one of ordinary of skill in the art at the time the invention was made to combine the teaching of Hata to Raiz, to produce speech sequence sounds upon entry of the button into the associated state, as is demonstrated by Hata, as it was well in bounds of one of ordinary skill in the art at the time the

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invention was made to customize the produced sounds upon entry of a button into an associated state.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Matsuda (2004/0164969.)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB  
August 15, 2007

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